

Remarks/Arguments

Claims 1-15 are pending in this application. No claims have been amended. Claims 1-15 will still be pending after entry of this response. A drawing amendment is included on a substitute sheet. Applicant believes no additional fee is due.

The Examiner has objected to the drawings due to a typographic error in Figure 5 wherein the reference number 500 was inadvertently shown as "600." A substitute sheet with the corrected drawing is included herewith.

In the recent office action, the Examiner has rejected claims 1, 2, 4, 6, 10, 11, 13 and 14 under 35 USC § 103(a) as being unpatentable in view of U.S. Patent 6, 035,202 to Camp, Jr. (Camp) in combination with U.S. Patent 6,522,297 to Rabinowitz et al. (Rabinowitz). The Applicant respectfully disagrees with the Examiner's characterization of this art and the Examiner's application of this art to Applicant's claims. In order to establish the obviousness of a claim, the Examiner must show that all of the claim limitations are taught or suggested by the prior art. M.P.E.P. 2143.03. There are multiple limitations in all of Applicant's independent claims, and thus in all of Applicant's claims through dependency, which are not fairly taught or suggested by either Camp or Rabinowitz.

For example, Applicant's claims all include a recitation of a "**common** filter having a bandpass that is **smaller**" than the "bandwidth of the terrestrial ranging signal." (Emphasis added.) The Examiner cites col. 3, lines 54-66 and col. 4, lines 46-57 of Camp as teaching this limitation. However, Applicant cannot find this teaching in these areas. Col. 3, lines 54-66 simply states that the bandwidth may not be optimal, and goes on to state that the "IF bandwidth and receiver 40 have **similar bandwidth**," which is clearly not the same thing as "smaller bandwidth." (Emphasis added.) Furthermore, col. 4, lines 46-57 of Camp discuss post-detection bandwidth, which is not analogous to the bandpass recited in Applicant's claims, which is a pre-detection bandpass.

As another example, Applicant's claim 1, and thus claims 2-9 through dependence, recites "a correlation subsystem operatively connected to the **common filter**." The Examiner points to Rabinowitz as disclosing this limitation, saying that the correlator/integrator connected to the bandpass filter in Figure 15 reads on this limitation. However, the bandpass filter of Figure 15 of Rabinowitz is not a common filter. In fact, Rabinowitz is completely silent

on the use of common components to implement both a mobile terminal function and a ranging function in a device, and does not disclose or suggest any common components.

Further, independent claim 1, 10, and 13 all recite "correlating the terrestrial ranging signal with a known sequence that has been predistorted." The Examiner points to specific discussions in Rabinowitz as disclosing this recitation of Applicant's claims, citing: col. 6, lines 43-52; col. 11, lines 10-24 and lines 49-53; col. 11, line 58 - col. 12, line 9; col. 12, line 60 - col. 13, line 3; col. 14, lines 13-34; and Figures 4, 13, and 15 of Rabinowitz. Applicant has examined these sections of Rabinowitz and can find no mention of predistortion or the use of a predistorted sequence as recited in Applicant's claims. Thus, this recitation, which is in all of Applicant's claims either directly, or through dependence, is also missing from the cited art.

Applicant notes that since, based on the above arguments, all of the independent claims rejected under 103 are patentable, then all of the dependent are then patentable for at least the same reasons. However, Applicant would like to specifically comment on the Examiner's rejection with respect to claim 3, 12, and 15, where the Examiner points to U.S. Published Patent Application 2002/0144294 as teaching the concept of performing correlations at times separated by "one over a known rate of occurrence of the synchronization bursts." The Examiner cites page 5, paragraphs 74-76 of the prior published application for teaching this limitation. Applicant can find no mention of this concept in the cited language - the phrase synchronization bursts does not even occur.

Applicant would like to point out that another requirement for a sustainable section 103 rejection is that the prior art must suggest the desirability of the claimed combination. That is, the nature of the problem to be solved or the teachings from the prior art must cause a motivation to combine references. MPEP 2143.01. The Examiner is required to establish this motivation to combine with evidence and reasoning. As discussed above, multiple recitations in Applicant's claims are not taught in the cited references, thus the combination does not yield a workable solution to the problem of using relatively large bandwidth signals for ranging in a mobile terminal. Indeed, the problem is not even discussed in either reference so that there would be no motivation to combine these references to solve this problem. The Examiner has not provided any evidence or reasoning to the contrary and has simply made boiler-

plate statements that Rabinowitz is "in the same field of endeavor" as Camp. While not necessarily agreeing with this statement, Applicant submits that even if it were true, this fact alone does not establish the motivation to combine.

Applicant believes he has responded to all of the concerns raised by the Examiner. Reconsideration of this application as amended is hereby requested. If the Examiner has any questions about the present response, a telephone interview is requested.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

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